Application Serial No. 10/518,890
Amendment dated May 21, 2007
Reply to Office Action of September 22, 2006, and
Notice of Appeal filed February 22, 2007

REMARKS/ARGUMENTS

As set forth in paragraph 4 of the application as filed, the objective of the invention is to provide a procedure for processing short messages under phone number portability where the load on the network elements involved is reduced and the delivery of short messages is accelerated.

During each subsequent retry for delivery of the message, the SMSC is supplied immediately and internally with the target address of the HLR to be queried for the delivery parameters or data. This reduces load on the network and speeds up delivery because the SMSC does not need to perform in IMSI prefixing or internal table look-up and will go directly to the HLR (see paragraphs 7, 8, 13 and 14). The primary reference, Henry-Labordere, also discloses that the SMSC looks in a memory for the HLR of the recipient, but this memory is a large cache memory that is built over time and ultimately contains a high number of HLR addresses (column 2, lines 14-47). This memory is not erased and because of the large size of the database, it imposes a significant load on the system.

The invention differs in that the short message and the parameters or data required for delivery, the HLR address, is erased from the SMSC once the short message is delivered successfully (paragraphs 4 and 25). Specifically, Claim 1 calls for "means for erasing from the short message service center SMSC the short message and said parameters or data required for delivery when the short message is delivered successfully". Similarly, Claim 13 includes the following limitation: "if the short message is delivered successfully, erasing from the short message service center SMSC the short message and said parameters or data required for delivery". Claim 14 includes the same limitation. Thus, Henry-Labordere goes in a very different direction by building up over time a very large cache memory whereas the invention as defined by the independent claims provides a high level of efficiency and greatly reduces load on the network by retaining the short message and delivery data in the SMSC only until the message is successfully delivered.

Although Joong et al discloses a system for erasing the message after delivery, such is erased in the <u>home message center</u>. This is different from the claimed invention wherein the short message to be delivered and the parameters or data required for delivery are stored in a <u>short message service center SMSC</u>. Furthermore, one skilled in the art would not be incentivised to combine Joong et al with Henry-Labordere because Henry-Labordere

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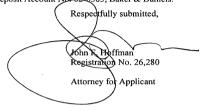Notice of Appeal filed February 22, 2007

specifically teaches away from the concept of holding a short message and the delivery parameters only until the message is successfully delivered. Rather, Henry-Labordere teaches gradually building up over time a large cache memory containing numerous HLR addresses and specifically discusses techniques for searching the large memory to locate the HLR address in question efficiently (see paragraphs 15-17, 19 and 22-34). The vast majority of the text in Henry-Labordere is devoted to the building up and searching of the large cache memory containing the HLR addresses and to modify the Henry-Labordere system such that addresses and delivery data are erased once the message is successfully delivered would negate the main premise of the patent.

In the Office Action, the Examiner pointed out in paragraph 4 that the applicant was silent whether the message is erased from the HLR or any other storage. Please note that the independent claims have been amended to specifically call for erasing from the SMSC the short message and the parameters or data required for delivery once the short message is successfully delivered.

In view of the amendments to the claims and the fact that one skilled in the art would not be led to the claimed invention by the combination of the cited references, specifically Henry-Labordere and Joong et al, but be taught away as discussed above, it is submitted that the claims are patentable within the meaning of 35 U.S.C. 103. Although it is believed that the application is in condition for allowance, if the Examiner believes that further issues remain or has suggestions for further modification of the claims, it is requested that he telephone the undersigned at 260-460-1692.

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In the event Applicants have overlooked the need for an extension of time, payment of fee, or additional payment of fee, Applicants hereby petition therefor and authorize that any charges be made to Deposit Account No. 02-0385, Baker & Daniels.

Respectfully submitted,

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Enc.   Petition for Extension
           of Time
       Check No. 126276 ($120.00)
       Request for Continued
           Examination
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CERTIFICATION OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: May 21, 2007

JOHN F. HOFFMAN, REG. NO. 26,280
Name of Registered Representative

Signature

May 21, 2007
Date

8